



## **Mayor Cooper's Immigration Task Force December 12, 2019**

### **FINAL REPORT**

On October 14, 2019, Mayor Cooper announced the formation of his Immigration Task Force. Comprised of leaders from across the community and Metro Government, the Task Force was directed to submit its final report within 60 days.

The Task Force's key findings are as follows:

- A limited number of Metro Departments/Offices have received requests from federal immigration authorities.
- A limited number of Metro Departments/Offices have policies or practices governing their responses to requests from federal immigration authorities.
- Metro Departments/Offices do not have policies related to reporting to the Mayor's Office about communications with federal immigration authorities.

The Task Force recommends that Metro Departments/Offices adopt a uniform policy for reporting about such communications to the Mayor's Office.

### **Task Force Members and Meetings**

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Mayor Cooper appointed the following individuals to serve on the Task Force:

- Shanna Singh Hughey: President, Think*Tennessee* (chair)
- Juliana Ospina Cano: Executive Director, Conexion Americas
- Hank Clay: Chief of Staff, Metro Nashville Public Schools
- Bob Cooper: Director, Metro Nashville Department of Law
- Ana Escobar: Judge, Metro Nashville General Sessions Court
- Mike Hagar: Deputy Chief, Metro Nashville Police Department
- Daron Hall: Sheriff, Davidson County
- Mary Kathryn Harcombe: Legal Director, Tennessee Immigrant and Refugee Rights Coalition
- Torry Johnson: Former Metro Nashville District Attorney General
- Sandra Sepulveda: Metro Councilwoman, District 30
- Zulfat Suara: Metro Councilwoman At-Large

The Task Force held four meetings, each of which was open to the public.

## **Scope of Work**

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Based on Mayor Cooper's charge, the task force set three goals related to requests from federal immigration authorities: (1) ensure the Mayor's Office is made aware of such requests; (2) provide clarity for immigrant families and city employees about current policies and practices related to such requests; and (3) comply with state and federal law.

Task Force members agreed on the following scope of work:

- (1) Conduct a landscape analysis of, and generate potential recommendations about, the current policies or practices of Metro Departments/Offices related to reporting to the Mayor's Office about communications with federal immigration authorities.
- (2) Conduct a landscape analysis of the current policies or practices of Metro Departments/Offices with respect to responding to requests from federal immigration authorities.
- (3) Review sample policies from peer cities.

## **Landscape analysis related to reporting to the Mayor's Office about, and/or responding to, requests from federal immigration authorities**

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To facilitate its landscape analysis, the Task Force issued a survey to the twelve Metro Departments/Offices it deemed most relevant:<sup>1</sup>

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| (1) Metro Nashville Public Schools            | (7) Metro Development and Housing Agency |
| (2) Health Department                         | (8) Parks and Recreation                 |
| (3) Metro Nashville Police Department         | (9) Nashville Electric Service           |
| (4) State Trial Courts/General Sessions Court | (10) Water and Sewerage Services         |
| (5) Fire Department                           | (11) Libraries                           |
| (6) Sheriff's Office                          | (12) Codes Administration                |

The Task Force received responses from each of the listed Metro Departments/Offices except the Nashville Electric Service.<sup>2</sup>

These responses showed that many Metro Departments/Offices have never received a known request from federal immigration authorities. The Metro Departments/Offices that have received such a request include the Police Department, the Sheriff's Office, State Trial Courts, General Sessions Courts and potentially Metro Nashville Public Schools.

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<sup>1</sup> The survey is included as Attachment A.

<sup>2</sup> The survey responses are included as Attachment B.

No respondents reported having a policy related to reporting requests from federal immigration authorities to the Mayor's Office. Only the Police Department articulated a practice.

Some Metro Departments/Offices reported that they did not have a policy or practice related to responding to requests from federal immigration authorities, while others reported that they did. All of these policies are listed on Attachment B and include but are not limited to the following:

- General Sessions Court: Monthly reports were issued to Immigration and Customs Enforcement from 2015 through August 2019. The Court reports that it maintains full compliance with TCA 7-68-103.
- State Trial Courts: Court employees have been instructed to provide only an individual's full name, OCA inmate-identification number and date of birth in response to requests from federal immigration authorities.
- Metro Nashville Public Schools: Unless a subpoena is served, schools are prohibited from providing outside agencies with information from a student's file that would expose the student's undocumented status without first obtaining explicit permission from the student's parents. If a subpoena is served, parents may challenge it. School personnel have been made aware that they have no legal obligation to enforce U.S. immigration laws.
- Metro Nashville Police Department: The Police Department complies with applicable state law in disseminating public records. To the extent permitted by law, personal identifying information is redacted prior to public release.

#### **Policy recommendations related to reporting to the Mayor's Office about communication between federal immigration authorities and any Metro employee**

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To ensure the Mayor's Office is aware of communications with federal immigration authorities and to provide clarity for Metro residents and employees about current policies and practices related to such requests, the Task Force recommends the Metro Government adopt a reporting policy that includes the following components.

#### ***Metro Departments/Offices to Which Reporting Policy Should Apply:***

The Task Force recommends that the reporting policy apply to all Metro Government employees except employees of the Nashville Electric Service, Metropolitan Nashville Airport Authority, Metropolitan Nashville Public Schools, Metropolitan Development and Housing Agency, Metropolitan Transit Authority, Metropolitan Sports Authority, Metropolitan Hospital Authority and elected officials, due to their independent governing authority.

With respect to the Metro Departments/Offices that fall outside the purview of the Mayor's authority, the Mayor should recommend that these offices adopt a policy that is substantially similar and report to the Mayor whether they have adopted such a policy.

***Federal Action Triggering Reporting Policy:***

Actions triggering the reporting policy can be divided into three categories, each with its own reporting protocol:

- Communications between federal immigration authorities and the Department/Office pursuant to Department/Office policy or practice.
- Communications between federal immigration authorities and the Department/Office related to modifying Department/Office policy or practice.
- Knowing communications between federal immigration authorities and the Department/Office that are not pursuant to Department/Office policy or routine practice.

***Timeline for Reporting/Responding:***

The timeline for reports from Metro Departments/Offices to the Mayor's Office should vary depending on the category of the triggering action:

- Communications with federal immigration authorities pursuant to Department/Office policy or practice: Metro Departments/Offices should issue monthly reports to the Mayor's Office.
- Communications with federal immigration authorities related to modifying Department/Office policy or practice: Metro Departments/Offices should report to the Mayor's Office with sufficient time for the Mayor's Office to assess and respond to proposed modifications, including seeking appropriate community input, before the Metro Departments/Offices consent to the modifications.
- Knowing communications with federal immigration authorities that are not pursuant to Department/Office policy or routine practice: Metro Departments/Offices should report to the Mayor's Office as soon as practicable, but in no case longer than three business days.

The Task Force recommends that each Department/Office develop internal processes and trainings that are consistent with these recommendations.

***To Whom in the Mayor's Office Metro Departments/Offices Should Report:***

All reports about communications with federal immigration authorities should be directed to the Mayor's Office of New Americans, which should seek transparency by timely posting such reports that it receives on the website for the Office of New Americans for public review.

## **Sample Policies from Peer Cities**

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The Task Force reviewed a number of sample policies from peer cities, the most instructive of which was a resolution from the City Council of Austin, Texas.<sup>33</sup> That resolution, like this Task Force's policy recommendation, governs municipal communications to and from federal immigration authorities.

## **Conclusion**

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With this final report, the Task Force has met its goal of helping lay the foundation for the Mayor's policy decisions related to requests from federal immigration authorities to Metro Departments/Offices.

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<sup>33</sup> The Austin resolution is included as Attachment C.